Exhibit J

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re FACEBOOK PPC Advertising Litigation

This Document relates To:

All Actions.

Master Case No. C 09-03043 JF

PLAINTIFFS' OBJECTIONS AND RESPONSES TO DEFENDANT FACEBOOK, INC.'S SECOND SET OF INTERROGATORIES

The Honorable Jeremy D. Fogel

Plaintiffs RootZoo, Inc., Fox Test Prep, and Steven Price (collectively, "Plaintiffs") respond to Defendant Facebook, Inc.'s ("Defendant") Second Set of Interrogatories, served on Plaintiffs' attorneys on July 1, 2011, subject to the accompanying objections, without waiving, and expressly preserving, all such objections. Plaintiffs also respond subject to, without intending to waive, and expressly preserving: (a) any objections as to relevance, privilege, and admissibility of documents or information provided; and (b) the right to object to other discovery procedures involving or relating to the subject matter of Defendant's requests.

Plaintiffs respond and object based on Plaintiffs' attorneys' understanding of Defendant's language. Where it may be found that something was intended to be construed differently from their interpretation, Plaintiffs reserve the right to amend Plaintiffs' responses and objections.

Plaintiffs' factual investigation and legal analysis is ongoing and these responses and objections are without prejudice to later amendment and supplementation. Defendant has not yet fully produced documents and information (or otherwise given complete discovery). Indeed, Defendant produced documents as recently as July 27, 2011. Plaintiffs' discovery, investigation, and preparation for trial are ongoing and continuing as of the date of these responses. Plaintiffs reserve the right to continue discovery and investigation of facts, witnesses, and supplemental information that may reveal information which, if presently within Plaintiffs' knowledge, would have been included in these responses. Plaintiffs reserve the right to present additional information as may be disclosed through continuing discovery and investigation. By this reservation, Plaintiffs do not assume a continuing responsibility to update these responses (the present responses only cover information received until the date of service of these responses).

GENERAL OBJECTIONS

All of the general Objections below are incorporated into each of the individual responses and have the same force and effect as if fully set forth therein. Plaintiffs object to Defendant's Interrogatories to the extent that:

1. Defendant's definitions and instructions seek to impose obligations that exceed or differ from the requirements of the Federal Rules of Civil Procedure.

2. They seek to require responses or supplemental responses beyond the scope and/or requirements of the Federal Rules of Civil Procedure.

3. They contravene the limits on the number of questions in any court orders, local rules, or the Federal Rules of Civil Procedure.

4. They seek to establish or imply a waiver of Plaintiffs' right to challenge the relevancy, materiality, or admissibility of the documents or information provided by Plaintiffs, or to object to the use of documents or information in any subsequent proceeding or trial. In responding, Plaintiffs do not waive the right to challenge the relevancy, materiality, and/or admissibility of the documents or information provided by Plaintiffs, or to object to the use of the documents or information in any later proceeding or trial.

5. They call for legal conclusions or premature expert discovery.

6. They seek disclosure of documents, communications, information, and things protected by the attorney-client privilege or that constitutes attorney work-product/trial preparation materials or any other privileged documents or information, as well as documents or information that were compiled or prepared at the request and direction of counsel in anticipation of, or in conjunction with, litigation that are protected by the attorney work-product doctrine; items and information obtained by Plaintiffs' attorneys that involve their professional skill and experience; legal research, including delegated research—which includes research or investigation by Plaintiffs' attorneys, or by persons hired by Plaintiffs' attorneys and acting under their supervision; strategic litigation planning, mental impressions (or documents reflecting such planning or impressions); and documents gathered by Plaintiffs' attorneys while researching issues in this case. Further, it would also be unduly burdensome and oppressive to search for, compile, and make a description of the nature of each such document, communication, etc.

7. They seek documents or information within the exclusive possession, custody or control of Defendant.

8. They seek documents or information contained in the pleadings and other papers filed in this action.

SPECIFIC OBJECTIONS AND RESPONSES TO DEFENDANT'SINTERROGATORIES

INTERROGATORY NO. 21:

DESCRIBE all click filters, limits, or other measures that YOU contend Facebook should have implemented to conform with INDUSTRY STANDARDS.

RESPONSE TO INTERROGATORY NO. 21

Plaintiffs object to this Interrogatory as vague and ambiguous. Plaintiffs also object to this Interrogatory on the grounds that it is duplicative. Plaintiffs further object to this Interrogatory to the extent that it prematurely seeks expert discovery and/or information protected by the attorney-client privilege and/or the work product doctrine. *See Hickman v. Taylor*, 329 U.S. 495, 516 (1947) ("Discovery was hardly intended to enable a learned profession to perform its functions either without wits or on wits borrowed from the adversary."); *see also Upjohn Co. v. U.S.*, 449 U.S. 383, 385 (same). Plaintiffs further object to this Interrogatory as a premature contention interrogatory. Courts have routinely found that requiring responses to contention discovery at an early stage of the discovery process is neither necessary nor wise. As Judge Brazil observed in *In re Convergent Technologies Sec. Litig.*, 108 F.R.D. 328, 332 (N.D. Cal. 1985), "[T]here is substantial reason to believe that the early knee jerk filing of sets of contention interrogatories that systematically track all the allegations in an opposing party's pleadings is a serious form of discovery abuse. Such comprehensive sets of contention interrogatories can be almost mindlessly generated, can be used to impose great burdens on opponents, and can generate a great deal of counterproductive friction between parties and counsel. Moreover, at least in cases where defendants presumably have access to most of the evidence about their own behavior, it is not at all clear that forcing plaintiffs to answer these

kinds of questions, early in the pretrial period, is sufficiently likely to be productive to justify the burden that responding can entail." 108 F.R.D. at 337–338. *Accord, Nestlé Foods Corp. v. Aetna Cas. and Sur. Co.*, 135 F.R.D. 101, 110–111 (D.N.J. 1990) ("This Court agrees that judicial economy as well as efficiency for the litigants dictate that contention interrogatories are more appropriate after a substantial amount of discovery has been conducted."); *Leksi, Inc. v. Federal Ins. Co.*, 129 F.R.D. 99, 107 (D.N.J. 1989) (same). Subject to these General and Specific Objections, Plaintiffs respond as follows: Plaintiffs incorporate by reference their Supplemental Response No. 11 to Facebook's First Set of Interrogatories as is fully set forth herein. In addition, Facebook failed to operate its click filtering system in accordance with industry standards in at least the following manner:

REDACTED

INTERROGATORY NO. 22:

Define "legitimate clicks" as YOU use that term in the SUPPLEMENTAL RESPONSES.

RESPONSE TO INTERROGATORY NO. 22

Plaintiffs object to this Interrogatory on the grounds that it is vague, ambiguous and duplicative. Plaintiffs further object to this Interrogatory to the extent that it prematurely seeks expert discovery and/or information protected by the attorney-client privilege and/or the work product doctrine. *See Hickman v. Taylor*, 329 U.S. 495, 516 (1947) ("Discovery was hardly intended to enable a learned profession to perform its functions either without wits or on wits borrowed from the adversary."); *see also Upjohn Co. v. U.S.*, 449 U.S. 383, 385 (same).

Plaintiffs further object to this Interrogatory as a premature contention interrogatory. Courts have routinely found that requiring responses to contention discovery at an early stage of the discovery process is neither necessary nor wise. As Facebook readily concedes, it has produced documents for a limited number of custodians although there are literally dozens of custodians that have relevant documents that not yet been produced. As Judge Brazil observed in *In re Convergent Technologies Sec. Litig.*, 108 F.R.D. 328, 332 (N.D. Cal. 1985), "[T]here is substantial reason to believe that the early knee jerk filing of sets of contention interrogatories that systematically track all the allegations in an opposing party's pleadings is a serious form of discovery abuse. Such comprehensive sets of contention interrogatories can be almost mindlessly generated, can be used to impose great burdens on opponents, and can generate a great deal of counterproductive friction between parties and counsel. Moreover, at least in cases where defendants presumably have access to most of the evidence about their own behavior, it is not at all clear that forcing plaintiffs to answer these kinds of questions, early in the pretrial period, is sufficiently likely to be productive to justify the burden that responding can entail." 108 F.R.D. at 337–338. *Accord, Nestlé Foods Corp. v. Aetna Cas. and Sur. Co.*, 135 F.R.D. 101, 110–111 (D.N.J. 1990) ("This Court agrees that judicial economy as well as efficiency for the litigants dictate that contention interrogatories are more appropriate after a substantial amount of discovery has been conducted."); *Leksi, Inc. v. Federal Ins. Co.*, 129 F.R.D. 99, 107 (D.N.J. 1989) (same). Subject to these general and specific objections, Plaintiffs respond as follows: the term "legitimate" (or "valid") means any click that satisfies industry-standard rules-based algorithmic characteristics or conditions.

INTERROGATORY NO. 23

For each of the alleged "deficiencies" in Facebook's click filtration system identified in the SUPPLEMENTAL RESPONSES, state all facts supporting YOUR contention that the NAMED PLAINTIFFS were overcharged or otherwise impacted by those alleged "deficiencies."

RESPONSE TO INTERROGATORY NO. 23

Plaintiffs object to this Interrogatory on the grounds that it is vague, ambiguous and duplicative. Plaintiffs further object to this Interrogatory to the extent that it prematurely seeks expert discovery and/or information protected by the attorney-client privilege and/or the work product doctrine. *See Hickman v. Taylor*, 329 U.S. 495, 516 (1947) ("Discovery was hardly intended to enable a learned profession to perform its functions either without wits or on wits borrowed from the adversary."); *see also Upjohn Co. v. U.S.*, 449 U.S. 383, 385 (same). Plaintiffs further object to this Interrogatory as a premature contention interrogatory. Courts have routinely found that requiring responses to contention discovery at an early stage of the discovery process is neither necessary nor wise. As Facebook readily concedes, it has produced documents for a limited number of custodians although there are literally dozens of custodians that have relevant documents that not yet been produced. As Judge Brazil observed in *In re Convergent Technologies Sec. Litig.*, 108 F.R.D. 328, 332 (N.D. Cal. 1985), "[T]here is substantial reason to believe that the early knee jerk filing of sets of contention interrogatories that systematically track all the allegations in an opposing party's pleadings is a serious form of discovery abuse. Such comprehensive sets of contention interrogatories can be almost mindlessly generated, can be used to impose great burdens on opponents, and can generate a great deal of counterproductive friction between parties and counsel. Moreover, at least in cases where defendants presumably have access to most of the evidence about their own behavior, it is not at all clear that forcing plaintiffs to answer these kinds of questions, early in the pretrial period, is sufficiently likely to be productive to justify the burden that responding can entail." 108 F.R.D. at 337–338. *Accord, Nestlé Foods Corp. v. Aetna Cas. and Sur. Co.*, 135 F.R.D. 101, 110–111 (D.N.J. 1990) ("This Court agrees that judicial economy as well as efficiency for the litigants dictate that contention interrogatories are more appropriate after a substantial amount of discovery has been conducted."); *Leksi, Inc. v. Federal Ins. Co.*, 129 F.R.D. 99, 107 (D.N.J. 1989) (same). Plaintiffs will respond to this Interrogatory after Facebook has produced all documents responsive to Plaintiffs' Requests for Production of Documents.

INTERROGATORY NO. 24

State all facts supporting YOUR contention that each, some, all, or any of the click filters, limits, or other measures identified in the document at Bates range FBCPC 000067-000076 is or was deficient.

RESPONSE TO INTERROGATORY NO. 24

Plaintiffs object to this Interrogatory on the grounds that the term "deficient" is vague, and ambiguous.. Plaintiffs further object to this Interrogatory to the extent that it prematurely seeks expert discovery and/or information protected by the attorney-client privilege and/or the work product doctrine. *See Hickman v. Taylor*, 329 U.S. 495, 516 (1947) ("Discovery was hardly intended to enable a learned profession to perform its functions either without wits or on wits borrowed from the adversary."); *see also Upjohn Co. v. U.S.*, 449 U.S. 383, 385 (same). Plaintiffs further object to this Interrogatory as a premature contention interrogatory. Courts have routinely found that requiring responses to contention discovery at an early stage of the discovery process is neither necessary nor wise. As Facebook readily concedes, it has produced documents for a limited number of custodians although there are literally dozens of custodians that have relevant documents that not yet been produced. As Judge Brazil observed in *In re Convergent Technologies Sec. Litig.*, 108 F.R.D. 328, 332 (N.D. Cal. 1985), "[T]here is substantial reason to believe that the early knee jerk filing of sets of contention interrogatories that systematically track all the allegations in an opposing party's pleadings is a serious form of discovery abuse. Such comprehensive sets of contention interrogatories can be almost mindlessly generated, can be used to impose great burdens on opponents, and can generate a great deal of counterproductive friction between parties and counsel. Moreover, at least in cases where defendants presumably have access to most of the evidence about their own behavior, it is not at all clear that forcing plaintiffs to answer these kinds of questions, early in the pretrial period, is sufficiently likely to be productive to justify the burden that responding can entail." 108 F.R.D. at 337–338. *Accord, Nestlé Foods Corp. v. Aetna Cas. and Sur. Co.*, 135 F.R.D. 101,

110–111 (D.N.J. 1990) ("This Court agrees that judicial economy as well as efficiency for the litigants dictate that contention interrogatories are more appropriate after a substantial amount of discovery has been conducted."); *Leksi, Inc. v. Federal Ins. Co.*, 129 F.R.D. 99, 107 (D.N.J. 1989) (same). Plaintiffs will respond to this Interrogatory after Facebook has produced all documents responsive to Plaintiffs' Requests for Production of Documents.

INTERROGATORY NO. 25

For each of the "deficiencies" in Facebook's click filtration system identified in the SUPPLEMENTAL RESPONSES, state whether YOU contend that the "deficiency" led to alleged charges to putative class members for (i) INVALID clicks, (ii) FRAUDULENT clicks, or (iii) both INVALID and FRAUDULENT clicks, and state all facts that support YOUR contention.

RESPONSE TO INTERROGATORY NO. 25

Plaintiffs object to this Interrogatory on the grounds that the term "fraudulent" is vague and ambiguous., Plaintiffs further object to this Interrogatory on the grounds that it is overbroad and duplicative and contains numerous sub-parts exceeding the number of interrogatories permitted under the Federal Rules of Civil Procedure. Plaintiffs further object to this Interrogatory to the extent that it prematurely seeks expert discovery and/or information protected by the attorney-client privilege and/or the work product doctrine. *See Hickman v. Taylor*, 329 U.S. 495, 516 (1947) ("Discovery was hardly intended to enable a learned profession to perform its functions either without wits or on wits borrowed from the adversary."); *see also Upjohn Co. v. U.S.*, 449 U.S. 383, 385 (same). Plaintiffs further object to this Interrogatory as a premature contention interrogatory. Courts have routinely found that requiring responses to contention discovery at an early stage of the discovery process is neither necessary nor wise. As Judge Brazil observed in *In re Convergent Technologies Sec. Litig.*, 108 F.R.D. 328, 332 (N.D. Cal. 1985), "[T]here is substantial reason to believe that the early knee jerk filing of sets of contention interrogatories that systematically track all the allegations in an opposing party's

pleadings is a serious form of discovery abuse. Such comprehensive sets of contention interrogatories can be almost mindlessly generated, can be used to impose great burdens on opponents, and can generate a great deal of counterproductive friction between parties and counsel. Moreover, at least in cases where defendants presumably have access to most of the evidence about their own behavior, it is not at all clear that forcing plaintiffs to answer these kinds of questions, early in the pretrial period, is sufficiently likely to be productive to justify the burden that responding can entail." 108 F.R.D. at 337–338. *Accord, Nestlé Foods Corp. v. Aetna Cas. and Sur. Co.*, 135 F.R.D. 101, 110–111 (D.N.J. 1990) ("This Court agrees that judicial economy as well as efficiency for the litigants dictate that contention interrogatories are more appropriate after a substantial amount of discovery has been conducted."); *Leksi, Inc. v. Federal Ins. Co.*, 129 F.R.D. 99, 107 (D.N.J. 1989) (same).

INTERROGATORY NO. 26

State all facts supporting each of the contentions YOU made in Paragraphs 10, 11, 44, 50, and 62 of the SECOND AMENDED COMPLAINT.

RESPONSE TO INTERROGATORY NO. 26

Plaintiffs object to this Interrogatory on the grounds that it is vague, ambiguous and duplicative. Plaintiff also object to this Interrogatory on the grounds that it exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Plaintiffs further object to this Interrogatory to the extent that it prematurely seeks expert discovery and/or information protected by the attorney-client privilege and/or the work product doctrine. *See Hickman v. Taylor*, 329 U.S. 495, 516 (1947) ("Discovery was hardly intended to enable a learned profession to perform its functions either without wits or on wits borrowed from the adversary."); *see also Upjohn Co. v. U.S.*, 449 U.S. 383, 385 (same). Plaintiffs further object to this Interrogatory as a premature contention interrogatory. Courts have routinely found that requiring responses to contention discovery at an early stage of the discovery process is neither necessary nor wise. As Judge Brazil observed in *In re Convergent Technologies Sec. Litig.*, 108 F.R.D. 328, 332 (N.D.

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Dated: August 10, 2011

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